

DIFFERENCE BETWEEN COURTS OVER DENVER BANK FAILURES

Denver, Aug. 22.—Judge John P. Mullins, in the district court today removed Henry M. Beatty as assignee of the Western States bank and named the Continental Trust company to act instead. The trust company immediately filed bonds in the sum of \$1,250,000. The reason given by Judge Williams for his action is that Beatty is a defendant in the suits pending against the bank officers, and that as assignee, Beatty paid to the local office of the bank money which they had deposited after the bank had closed its doors, thereby doing an injustice to other depositors.

Attorneys for Beatty at once applied

to the supreme court for a stay of the proceedings in the district court to oust Beatty, and Justice Campbell issued an oral order restraining Judge Mullins from further action in the case pending hearing and decision by the higher court on the writ of supersedeas.

Six complainants appeared before District Attorney George Stedinger today and requested that information be filed against the officials of the Denver Savings bank, charging them with having received bank deposits after the institution was insolvent. The official statement of the receiver of the bank shows that its cash on hand and money due from other banks divided in one month from \$588,324 to \$170,885.

STATE REVS.

CLARK OUT ON BAIL.

Wounded Austrian Still in Serious Condition.

Park City, Aug. 22.—Thomas Petch, the Austrian who was shot in the Clark case on Sunday evening is still alive and there are no doubts that he will finally recover. It has been decided by the doctors having the matter in charge to take the man to Salt Lake this afternoon and have an X-ray examination made of the neck and throat of the victim, so as to locate the bullet, if possible. At first it was thought that the recovery of the wounded man would be an easy piece of work, but the laceration of the tongue caused that member to swell up so that it was impossible to even see the wound, and any amount of manipulation of that organ by the physicians made the blood flow so that it was decided to make an electrical examination. County Attorney Evans was here yesterday in regard to the matter of the hearing, but awaiting the turn in the condition of the wounded man, he decided to put off the examination until next Monday. In the meantime the accused is out on bond.

Last evening Park lodge No. 751, B. P. O. E. held a meeting at their hall and the matter of the state reunion in Ogden was the chief matter discussed. It was finally decided to give Salt Lake the "go by" on this occasion and to go there on the morning of the 25th and return the evening of the 26th, with very reasonable rates for all who want to go along.

The new switchboard at the Rocky Mountain Bell Telephone company exchange has been installed and in a very short time there will be as good a telephone system in Park City as there is in any other place in the state. The independent company has not yet begun operations, and people are anxiously awaiting the beginning of their work. Some time ago the ground was selected and the surveys made, but aside from this nothing has been done. Unless the work is begun in a comparatively short time there will be the back of bad weather as Park City has no very desirable weather for outdoor work in the winter time.

Miss Valentine Murphy of the Salt Lake High school left for Salt Lake this morning in Park City for some time. Mrs. Hilson of Pocatello left for her home this afternoon after a visit with relatives and friends in Park City. The dance to be given in Park City by the music students of the B. Y. A. of Provo this evening will doubtless be a big success, and the advance sales show a big demand for tickets.

Maccabees, Attention.

You are hereby requested to bring your friends and families and be at Lagoon Wednesday, Aug. 23.

35-minute train service, Saltair today.

Saltair today. Come and go as you please. Thirty trains.

Gardner Daily Store News



When occasion demands
We are prepared.
There is a Cravenette Raincoat of the Fall cut ready for you on a moment's notice.
Better come and select it now.

Then you'll have it when the time comes.
It is the coat of many purposes. A good thing to possess.

ONE PRICE.
J. P. GARDNER
136-138 MAIN ST.
THE QUALITY STORE.

ATTEMPTED SUICIDE.

Under Arrest For Intoxication Eureka Man Seeks to Hang Himself.

Provo, Aug. 22.—A young man from Eureka, who was shot in the Clark case on Sunday evening is still alive and there are no doubts that he will finally recover. It has been decided by the doctors having the matter in charge to take the man to Salt Lake this afternoon and have an X-ray examination made of the neck and throat of the victim, so as to locate the bullet, if possible. At first it was thought that the recovery of the wounded man would be an easy piece of work, but the laceration of the tongue caused that member to swell up so that it was impossible to even see the wound, and any amount of manipulation of that organ by the physicians made the blood flow so that it was decided to make an electrical examination. County Attorney Evans was here yesterday in regard to the matter of the hearing, but awaiting the turn in the condition of the wounded man, he decided to put off the examination until next Monday. In the meantime the accused is out on bond.

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PLANS OF CANNERY MEN.

Davis County Tomato Output Will be One-Fifth of Last Year's.

Kaysville, Aug. 22.—The Kaysville Canning company will make its first run of tomatoes next Saturday. Growers whose patches have not been killed by the blight are already picking ripe fruit, and by Friday a shipment is expected from Hooper. Mr. Cross, foreman of the local factory, is hopeful of a fairly large pack. The fruit, he says, will be uniformly good, hence the 1905 pack, though limited in quantity by the blight, will be of excellent quality.

Manager Swan of the Layton Canning company is doubtful about his factory turning a wheel this year. Up to a week or two ago he had hoped to have one-third or more of a usual crop, but his latest survey of the fields shows the blight is still cutting down the plants, and a total failure seems imminent.

The Syracuse cannery expects to pack some tomatoes, but at present no one can tell what will be the output. These will probably not be 20,000 cases put up in Davis county this year, or not one-fifth of last year's pack. The prediction is made that outside products will come into the Utah market this year.

The Kaysville Irrigation company has levied an assessment of \$1.50 a share on the stock of the company to defray expenses and reduce the company's indebtedness.

Henry Seeger of Garland, Box Elder county, passed through Kaysville today on his way to the Uintah reservation, where he goes to assist some friends in locating lands. He was accompanied by Mrs. Seeger, who will go with him as far as Provo.

Mrs. Charles Old presented her husband with a fine daughter yesterday.

Two carloads of steel to be used in the construction of storage bins for the Kaysville Milling company have arrived from Milwaukee. The tanks will be the first of the kind ever erected in Utah. Four tanks, each seventeen and a half feet in diameter and thirty feet high, will be erected, having a combined capacity of about 25,000 bushels. They will be erected by the company's own force.

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OGDEN NEWS

Office, 2484 Washington Avenue.

Ogden, Wednesday, Aug. 23.

NO ACTION YET TAKEN.

City Treasurer Defines Policy With Respect to Tax Collection.

No action has yet been taken by City Treasurer James Halverson toward the collection of the sidewalk tax of \$25 assessed against the High school property over which a dispute has arisen between the board of education and the city treasurer. The warrant for the amount still remains at the office of the clerk of the board. The notice sent to the board some time ago stated that unless the amount was paid the city treasurer would proceed to sell the property for delinquent taxes Aug. 22. No steps along that line were taken yesterday. City Treasurer Halverson says that he is simply an official collector, and that he will not initiate drastic measures for the collection of the tax. What ever the city council may decide to do he will endeavor to perform. A city official speaking of the legality of the assessment against school property said yesterday that while he was not sure that the city could not enforce collection by the sale of the city property still the city could not guarantee payment.

LABOR DAY EXCURSION.

Preparations For Weber Club's Outing at Lakeside and Promontory.

It is now assured that the Weber club will have at least four special excursion trains to Lakeside and Promontory on Labor day to carry excursionists from the city to the scene of the festivities prepared by the club on the shore of Great Salt Lake. Reports received by the general committee from the sub-committees in charge of the various features of the affair show that everything is progressing satisfactorily for the big event and it is expected that the big future vacation of this opportunity to see the great trestle and take advantage of the splendid bathing facilities of the region about Promontory. A rate of \$1 for the round trip has been secured with a 50-cent rate for children under 12 years of age. There will be games, sports and amusements of various kinds on the beach at Promontory. The big rocks form a sort of natural amphitheater near a big stretch of white sand on Promontory and in this natural show place will be exhibited the games of skill and strength, together with acrobatic exhibitions, bicycle riding and the like. Trains will stop at West Weber to permit country people to go on the excursion.

POLICEMAN RESIGNS.

Officer Herick Leaves Force as Result of Talking.

Police Officer Nelson A. Herick has resigned from the Ogden force, going off shift last night for good and all. The change was due to some friction between the patrolman and Chief of Police Browning, beginning primarily with some criticism by outsiders by Herick's superior, Fred Tout, since promoted to sergeant. Herick, it is understood, made statements to the effect that he had been showing Tout favoritism and that he had somewhat abused the special privileges.

Officer Herick declined to discuss the matter at this time, saying merely that he found it necessary to require Herick to make good, and to resign in order to preserve the dignity and discipline of the force. Herick has been an officer for about three years.

RAIN DOES GREAT GOOD.

Heavy Fall Saves Orchards and Drouth Stricken Farms.

A pouring rainstorm fell yesterday afternoon for about fifteen minutes in Ogden. Notwithstanding the brief time that the water was descending the downpour was so rapid that the streets were flooded faster than the water could be taken away. The basement of the addition to the Utah National bank building, which was situated just where it would catch the water rushing down the south side of the street, was soon filled to the depth of eight feet. It was over in a quarter of an hour, but reports are to the effect that this brief shower has worked great good out in the drouth stricken farming districts and that the trees will save orchards and about the succumb to the long dry spell.

POST-SEASON GAMES.

Rules For Games Between the Penant Winners.

Cincinnati, O., Aug. 22.—The rules for the world's championship series to be played in the fall between the penant winners of the American and National leagues were announced today. They provide among other things that the games shall be played under the supervision, control and direction of the national commission. In accordance with this authority the commission has adopted the following rule to govern these contests:

Rule 1.—A player to be eligible to participate in the world's championship series must be a bona fide member of the club he represents, regularly under contract and said contract must be approved and promulgated by the president of the league of which the club is a member, or before the 21st day of August of each year.

The secretary of the commission is directed to immediately transmit a copy of this notice to the presidents of the National and American leagues, to the secretary of the National association and to the president of each minor league for their information.

Envy Life

Good health makes good nature. If everyone had a sound stomach there would be no pessimists in the world. Do not allow a weak stomach or a bad liver to rob you of the joy of living. Take

BEECHAM'S PILLS

and the world laughs with you. No need then for rose-colored glasses. Beecham's Pills start health vibrations to all parts of the body, while putting a ruddy tint on lips and cheeks. There's health in every box. Health for every man, woman and child. Beecham's Pills

Show How

Sold Everywhere. In boxes 10c. and 25c.

SLUGGER GETS LIMIT.

Hergitt and Walters Contributed \$160 to the City.

Police Judge John D. Murphy yesterday sentenced William Hergitt to pay a fine of \$100. Hergitt entered a plea of guilty to the charge of battery on Foster Ward, Leigh. Notwithstanding the plea of guilty Judge Murphy took into consideration the aggravating features of the assault. Hergitt, who it appears was somewhat the worse for liquor, was walking along the street Sunday night in company with a fellow employee at the Southern Pacific shops. Without any warning or provocation he darted to one side and struck Ward with a powerful blow, which fractured his jaw. Wardleigh was sitting quietly on the steps of Z. C. M. I. and had no warning of the assault. The fracture of his jaw is giving him much pain and his face is swollen out of all recognition. The sentence imposed by Murphy was the limit.

John Walters, his companion during the episode, paid rather dearly for the stroll. Judge Murphy fined him \$50 which amount was immediately raised by friends.

Japs Have Exciting Ride.

Two Japanese fresh from the best fields of the north country had a strenuous quarter of an hour yesterday while attempting to see some of the sights of Ogden. The two men had a lively time which became frightened out of them by a passing train. The animals bolted and the Japanese were left in a state of confusion. "Whoa" and "steady," which the frightened occupants of the buggy shouted with great volubility, merely had the effect of increasing their speed and as the team cleared the tracks and darted up Twenty-fourth street the drivers had completely lost control. One of the men jumped at Lincoln and gave a free exhibition of himself up little the worse for wear. The other dismounted and started to run, but was spilled out onto one of the horses backs when the rig collided at the intersection with big furniture van. A smashed buggy was about all the damage.

Young Woman's Death.

May Rose Farley, daughter of Mr. and Mrs. Simon Farley, died yesterday afternoon at the family home, Mound Fort, after a lingering illness of dropsy, complicated with heart trouble. She was aged 16 years and 6 months. Funeral services will be held at 2 o'clock Friday in the Mound Fort meeting house.

Eagles Come Back.

T. J. Kurtz, Bert Bingham and George Myer who went from Ogden to attend the supreme grand assembly of the Order of Eagles at Denver returned yesterday. They report a very successful and interesting session and come back more enthusiastic, if possible, in matters pertaining to the F. O. E.

Ogden Briefs.

Mrs. William Davis has as her guest Mrs. F. M. and children of Reno.

Mrs. Maude Truesdale of Cleveland, O., is visiting Mrs. B. S. Farnsworth.

Miss Beatrice Mitchell, who has been visiting her aunt, Mrs. E. C. Mitchell, has returned to her home at Ogden.

Mrs. D. E. Donaldson of Uintah is in Ogden for a few days stopping with her mother, Mrs. J. Fretwell, on Twenty-seventh street.

In the police court yesterday Judge Murphy considered the case of five men charged with being drunk and one charged with disturbing the peace. Each was fined \$5.

Miss Ivy Williams, who was offered a position as teacher of the commercial department in the schools of Park City, has declined the position, having accepted another situation.

Fire Chief George C. Graves returned yesterday morning from Duluth, Minn., where he attended the thirty-third convention of the International Association of Fire Engineers.

Marriage licenses were yesterday issued to Arch Draney, 39 of Plain City, and Miss Charlotte Eames, 19, of Alamo, California county, Idaho; also to Royal B. Butcher, 18, and Miss Essie M. Davis, 17, both of Ogden.

Chief of Police Browning has a small dog named Ivis, who was on Saturday night trying to break into the Utah National bank building, which was situated just where it would catch the water rushing down the south side of the street, was soon filled to the depth of eight feet. It was over in a quarter of an hour, but reports are to the effect that this brief shower has worked great good out in the drouth stricken farming districts and that the trees will save orchards and about the succumb to the long dry spell.

LITTLE CHANGE IN SITUATION

Continued From Page 1.

the heavy losses that the management is suffering.

OUTSIDE THE CITY.

Many Cases at Leveille—Doctors and Nurses Needed.

New Orleans, Aug. 22.—With the fever checked in the city and provisions under way to prevent further infection from the country the local situation is still encouraging. Of the new local, there are above Canal street, in the Leveille, a considerable number of cases, but they are being treated. A well known citizen and member of Governor Blanchard's staff, being the victim. Another case is a boy's college far down town, one of the employees being stricken. Rev. Father Aveille, pastor of St. Maurice church, and another patient reported today. Of the deaths only one occurred up town, that of a clerk who had been living here nine months.

Serious Outside City.

The news from outside the city shows the continued seriousness of the situation. Definite information was received from Dr. J. A. Devron, the state board of health physician sent to Leveille a few days ago. His report shows that the first news received from there was not exaggerated. During a few days there he found 69 positive cases of yellow fever, 52 suspected cases, and 145 cases of dengue.

There are about 300 houses and families here, and I do not think there is a single house which has not one or more cases of sickness. The people are completely distracted. All seem to have lost ambition to work. They are completely demoralized.

More Doctors Needed.

He asks for more doctors and nurses as the situation is beyond the capacity of the one now here. Fifteen more deaths since his arrival.

Patterson reports fifteen new cases and no deaths.

St. Tammany parish reports a case on the road between Mandeville and Lewisburg which came from New Orleans.

Hanson City reports six new cases, Kemmer one and Sarpy plantation two. There was one death on Elizabeth parish, below the city. St. Charles parish has two cases, and one is dead.

Corinne plantation, in St. Bernard parish, below the city, reports one death, an Italian boy.

Mississippi City reports three new cases, and states that the report that the state board has declared the fever epidemic there is unfounded.

Modern Plumbing.

At moderate prices. George G. Doyle & Co., 211 State street. Phone 162.

ESTABLISHED 1864
F. Auerbach & Co.
ONE PRICE TO ALL. NEVER UNDERSOLD.
STORE CLOSING TODAY AT 1 O'CLOCK.

A SALE of School Shoes.

These shoe specials will draw big crowds this week as sure as fate. The prices are away down in the depths. Shoe bargains were never better.

LITTLE BOYS' SATIN CALF LACE SHOES (sizes 8 to 13 1-2) worth \$1.25. Sale Price—

98 Cents

YOUTH'S SEAMLESS BOX CALF SHOES (sizes 13 1-2 to 2) worth \$1.75. Sale Price—

\$1.35

BOYS' CALF SHOES with heavy sole and heel (sizes 2 1-2 to 5 1-2) Sale Price—

\$1.35

CHILDREN'S KID SHOES with extension sole (sizes 8 1-2 to 11) Sale Price—

90c

MISSES' KID SHOES with extension sole (sizes 13 1-2 to 2) Sale Price—

\$1.15

McCLURE'S MAGAZINE

for September is just out. Ten cents on all news stands. Buy it now before it goes out of print and read the great articles and short stories by

IDA A. TARBELL

on the Standard Oil's fight in Kansas.

WILLIAM ALLEN WHITE

on the Grand Cañon of the Colorado.

and others. Every article and story beautifully illustrated.

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